

REMARKS

Reconsideration of the application is respectfully requested in view of the foregoing amendments and following remarks. Claims 1-61 are pending in this application. New claims 51-61 have been added. The Action rejects claims 1-11, 13, 15-23, 25-33, 36-46, and 48-50 under 35 U.S.C. § 102(b) as being anticipated by Anderson et al., U.S. Patent No. 5,828,360 ("Anderson"). Additionally, the Action rejects claims 12, 14, 24, 34-35, and 47 under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of various cited art. No claims have been allowed. Claims 1, 20, 21, 46, 48, 49, 50, and 61 are independent.

Cited Art

The Action relies on the following:

U.S. Patent No. 5,828,360 to Anderson et al., entitled "Apparatus for the Interactive Handling of Objects" ("Anderson");

John Cowcroft, *Information – Are You Being Served?*, May 10, 1995 ("Cowcroft");

Anon., *HP Announces Commerce Centre for Asia Pacific*, 1994-1999 ("HP Announces");

Kazushi Oenoki, *DHTML Basics*, March 16, 1999 ("DHMTL Basics"); and

Anon., *Microsoft Word 97 for Windows* ("Microsoft Word").

Amendments

Claims 5 and 6 have been amended for clarification. No new matter is added by these claims. No other claims have been amended.

Patentability of Independent Claims 1, 20, 21, 46, 48, 49, and 50 over Anderson under §102(b)

The action rejects claims 1, 20, 21, 46, 48, 49, and 50 under 35 U.S.C. § 102(b) as being anticipated by Anderson. Applicants respectfully submit that the claims in their current form are allowable over the prior art. For a 102(b) rejection to be proper, the cited art must show each and every element as set forth in a claim. (See MPEP § 2131). However, the cited art does not disclose each and every element. Accordingly, the rejection is respectfully traversed and applicants request that all rejections be withdrawn.

Claim 1

Claim 1 stands rejected over Anderson. However, Anderson does not teach each and every element of the claim as required by § 102. The Action alleges that Anderson discloses various aspects of claim 1, including “responsive to detecting that the user interface element is over a displayed item, selecting the displayed item” at column 1, lines 28-35.

Anderson’s description of a portion of the viewscreen that will be covered by a menu fails to teach or suggest “responsive to detecting that the user interface element is over a displayed item, selecting the displayed item.” Anderson at column 1, lines 28-35 discloses only “For all these activities, a number of tools are necessary to copy, transmit, store, etcetera the documents and sets of data....” and goes on to define the term “objects” as including “tools, documents and the necessary supplemental executable programs and data.” Applicants fail to understand how the Anderson language would teach or suggest “detecting that the user interface element is over a display item” and believe the Action meant to refer to Anderson’s description of a menu at column 3, lines 29-36, which states:

[C]ommand means are provided for display of the menu of options at a location on the viewscreen which corresponds to a position selectable by the pointer device. By first moving the pointer device to a specific area and subsequently activating the first command means the portion of the viewscreen that will be covered by the menu can be chosen by the operator.

Thus, Anderson does describe “the portion of the viewscreen that will be covered by the menu can be chosen by the operator.” However, such a description would not lead one of skill in the art to use the menu to achieve “responsive to detecting that the user interface element is over a displayed item, selecting the displayed item” as recited in claim 1. Anderson fails to describe that the menu is or could be used for selecting a displayed item, let alone doing so via detecting that it is over a displayed item.

Anderson’s description of the centerpoint of a displayed disk menu likewise fails to teach or suggest “responsive to detecting that the user interface element is over a displayed item, selecting the displayed item.” Elsewhere, Anderson describes at column 6, lines 13-16:

[i]n order to be sure that the menu does not eclipse a part of the screen with information that should remain visible, the position of a cursor 54, associated to the position of the pointing device, is taken as centerpoint of the displayed disk menu.

Thus, Anderson does describe “the position of a cursor . . . is taken as centerpoint of the displayed disk menu.” However, one could not be expected to surmise the recited “responsive to detecting that

the user interface element is over a displayed item, selecting the displayed item” from a mere description of taking a position of a cursor as a centerpoint for a menu. Again, Anderson fails to describe that the menu is or could be used for selecting a displayed item, let alone doing so via detecting that it is over a displayed item.

For at least these reasons, claim 1 is allowable over Anderson, and Applicants respectfully request the Action to withdraw rejection of claim 1.

Claim 20

Claim 20 stands rejected over Anderson. However, Anderson does not teach each and every element of the claim as required by § 102. The Action alleges that Anderson discloses various aspects of claim 20, including “responsive to the user selecting from a particular area in the display, the moveable user interface element moving to that area and selecting the item.” However, the language of claim 20 recites “responsive to determining that the moveable displayed user interface element has been moved over the displayed item, selecting the displayed item.” Applicants note that, regardless of whether Anderson supports the feature as stated by the Action, that feature is not the same as the language recited in claim 20. The Action thus fails to make out a proper case for anticipation under § 102. For this reason, Applicants respectfully traverse the Action’s rejection of claim 20.

Anderson’s description of taking a position of a cursor as a centerpoint fails to teach or suggest “responsive to determining that the moveable displayed user interface element has been moved over the displayed item, selecting the displayed item”. The Action cites the “movement changes from Figures 5a to 5b” and column 6, lines 13-18 of Anderson as disclosing the alleged feature of claim 20 quoted above. However, the language cited by the Action states:

In order to be sure that the menu does not eclipse a part of the screen with information that should remain visible, the position of a cursor 54, associated to the position of the pointing device, is taken as centerpoint of the displayed disc menu. FIGS. 5a and 5b show the menu at different places on the screen.

Thus, Anderson does describe “the position of a cursor 54, associated to the position of the pointing device, is taken as centerpoint of the displayed disc menu.” However, such a description would not lead one to the recited “responsive to determining that the moveable displayed user interface element has been moved over the displayed item, selecting the displayed item.” For example, Anderson does not describe that the menu can be used for “selecting the displayed item” as recited in the claim.

Further, Anderson's description of "the menu at different places on the screen" fails to teach or suggest the recited "responsive to determining that the moveable displayed user interface element has been moved over the displayed item, selecting the displayed item." Although Anderson does describe that the menu can be at different places on the screen, mere mention of such a scenario would not lead one to the recited arrangement involving "selecting." While the two figures are different in that the menu is obscuring a different document in each, there is no indication in Figures 5a and 5b, nor is there any in the accompanying text, that would indicate that either has been selected or deselected.

For at least these reasons, claim 20 is allowable over Anderson, and Applicants respectfully request withdrawal of the rejection of claim 20.

Claim 21

Claim 21 stands rejected over Anderson. However, Anderson does not teach each and every element of the claim. The Action alleges that Anderson discloses various aspects of claim 21, including "the moveable user interface operable to cause selection of the items as it is moved about the display." As support, the Action cites the transition shown in Figures 5a and 5b of Anderson, as well as column 6, lines 13-18. However, for at least the same reasons discussed above with respect to claim 20, the cited passages do not disclose or teach "selection of the items." Thus, for at least these reasons, claim 21 is allowable over Anderson, and Applicants respectfully request withdrawal of the rejection of claim 21.

Claim 46

Claim 46 stands rejected over Anderson. However, Anderson does not teach each and every element of the claim. The Action alleges that Anderson discloses various aspects of claim 46, including "a moveable user interface element used to select an item, ... displayed on the user interface when the user interface element is moved over the item." In its rejection, the Action cites Figure 5a of Anderson, as well as column 3, lines 28-32. However, for reasons similar to those discussed above with respect to claims 1 and 20, neither Figure 5a nor column 3, lines 28-32 discuss "select[ing] an item". Thus, for at least these reasons, claim 46 is allowable over Anderson, and Applicants respectfully request withdrawal of the rejection of claim 46.

Claim 48

Claim 48 stands rejected over Anderson. However, Anderson does not teach each and every element of the claim. The Action alleges that Anderson discloses various aspects of claim 48, including “means for selecting a displayed item, when a moveable displayed user interface element is moved over the displayed item.” In its rejection, the Action cites Figure 5a of Anderson, as well as column 3, lines 28-32. However, for reasons similar to those discussed above with respect to claims 1 and 20, neither Figure 5a nor column 3, lines 28-32 discuss “select[ing] an item.” Thus, for at least these reasons, claim 48 is allowable over Anderson, and Applicants respectfully request withdrawal of the rejection of claim 48.

Claim 49

Claim 49 stands rejected over Anderson. However, Anderson does not teach each and every element of the claim. The Action alleges that Anderson discloses various aspects of claim 49, including “a means for determining when a moveable user interface element is moved over a plurality of areas to select a distinct area or item, which will serve as the target for the user’s requests.” Applicants assume that this refers to the following language of claim 49:

computer-implemented system for determining when a moveable displayed item is moved over one of a plurality of displayed regions to thereby select one of a plurality of potential targets, wherein the regions are associated with the targets.

Anderson’s description of menu options fails to teach or suggest the recited “a moveable displayed item is moved over one of a plurality of displayed regions to thereby select one of a plurality of potential targets” as recited by claim 49. In its rejection, the Action cites column 1, lines 12-16 of Anderson, which state:

The apparatus includes a viewscreen for displaying a menu of options and a pointer device for pointing at a corresponding area from a plurality of corresponding areas each associated with one of the options displayed on the viewscreen, and thereby selecting one of said options.

Thus, Anderson describes displaying a menu of options and corresponding areas associated with the options, and thereby selecting one of said options. However, Anderson fails to describe that the menus or the options can be “moved over one of a plurality of displayed regions to thereby select one of a plurality of targets” as recited by claim 49.

Thus, for at least the reasons stated above, claim 49 is allowable over Anderson and Applicants respectfully request withdrawal of the rejection of claim 49.

Claim 50

Claim 50 stands rejected over Anderson. However, Anderson does not teach each and every element of the claim. The Action alleges that Anderson discloses various aspects of claim 50, including “choosing an item over a plurality of items, through the manipulation of displayed moveable user interface element, as displayed in Figure 5.” In its rejection, the Action cites column 1, lines 12-16 of Anderson. Applicants assume this language refers to “a computer-implemented method for determining over which of a set of potential targets displayed on a display a moveable displayed item has been moved,” as recited by claim 50.

Anderson’s description of selecting menu options fails to teach or suggest “determining over which of a set of potential targets ... a moveable displayed item has been moved” as recited by claim 50. As discussed above, column 1, lines 12-16 of Anderson disclose “displaying a menu of options” and “selecting one of said options” with a “pointer device.” Thus, Applicants point out that Anderson does not disclose or suggest “determining over which of a set of potential targets ... a moveable displayed item has been moved” as there is no discussion in the cited passage of making such a determination.

For at least these reasons, claim 50 is allowable over Anderson and Applicants respectfully request withdrawal of the rejection of claim 50.

Patentability of Claims 2-19, 22-45 and 47 over Anderson

Because claims 2-19, 22-45 and 47 each depend from independent claims 1, 21, and 46, and because each of these independent claims are allowable over Anderson for the reasons stated above, claims 2-19, 22-45 and 47 are allowable and Applicants respectfully request withdrawal of the rejection of claims 2-19, 22-45 and 47.

Additionally, these claims each recite patentably distinct subject matter neither taught nor suggested by the cited art. However, Applicants do not belabor the language of the individual claims in the interest of brevity.

Patentability of Claims 12, 14, and 24 over Anderson and Cowcroft

The Action rejects claims 12, 14, and 24 under § 103 in light of Anderson and Cowcroft. Applicants respectfully disagree. In the interest of brevity, applicants point out that claims 12, 14, and 24 depend from claim 1 (indirectly), claim 1, and claim 21, respectively. Because Applicants

have already demonstrated the patentability of claims 1 and 21 and at least one element of claims 1 and 21 argued above is neither taught nor suggested by an Anderson-Cowcroft combination, claims 12, 14, and 24 are allowable over Anderson in combination with Cowcroft.

Patentability of Claim 34 over Anderson and HP Announces

The Action rejects claim 34 under § 103 in light of Anderson and HP Announces. Applicants respectfully disagree. In the interest of brevity, applicants point out that claim 34 depends from claim 21. Because Applicants have already demonstrated the patentability of claim 21 and at least one element of claim 21 argued above is neither taught nor suggested by an Anderson-HP Announces combination, claim 34 is allowable over Anderson in combination with HP Announces.

Patentability of Claim 35 over Anderson and Microsoft Word

The Action rejects claim 35 under § 103 in light of Anderson and Microsoft Word. In the interest of brevity, Applicants point out that claim 35 depends from claim 21. Because Applicants have already demonstrated the patentability of claim 21 and at least one element of claim 21 argued above is neither taught nor suggested by an Anderson-Microsoft Word combination, claim 35 is allowable over Anderson in combination with Microsoft Word.

Patentability of Claim 47 over Anderson and DHTML Basics

The Action rejects claim 47 under § 103 in light of Anderson and Microsoft Word. In the interest of brevity, Applicants point out that claim 47 depends from claim 46. Because Applicants have already demonstrated the patentability of claim 46 and at least one element of claim 46 argued above is neither taught nor suggested by an Anderson-DHTML Basics combination, claim 47 is allowable over Anderson in combination with DHTML Basics.

Patentability of New Claims 51-61

Applicants have amended the claims by adding claims 51-61, composed anew in light of the most recent Action. Support for the claims is found at various locations throughout the Application. Each of the new claims recites novel, non-obvious, and patentably-distinct subject matter not taught or suggested by the cited art.

Accordingly, these claims are in condition for allowance at this time.

Additional Elements Not Shown

Applicants point out that various of the other recited language described in the Action is also not shown by the cited art but do not belabor rebuttals of each element in the interest of brevity.

Interview

It is believed that a brief discussion of the merits of the present application may expedite prosecution. The Examiner has agreed to an interview with the undersigned attorney on December 9, 2003. Applicants submit the foregoing formal Amendment so that the Examiner may fully evaluate Applicants' position, thereby enabling the interview to be more focused.


This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

Conclusion

For the reasons stated above, claims 1-61 should be allowed. Such action is respectfully requested.

Respectfully submitted,

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